

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|------------------------------------|---|----------------------|
| MARGARET WIKE, on behalf of |) | |
| herself and all others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:06-0204 |
| v. |) | JUDGE ECHOLS |
| |) | |
| VERTRUE, INC., |) | |
| f/k/a MEMBERWORKS, INC., |) | |
| |) | |
| Defendant. |) | |

ORDER

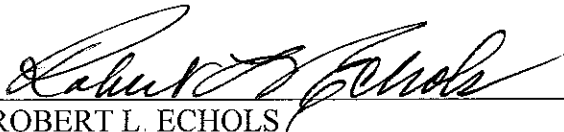
Pending before the Court are Defendant Vertrue Incorporated's Motion For Leave To Supplement The Record On Its Pending Motion For Summary Judgment (Docket Entry No. 86), to which Plaintiff Margaret Wike has filed a Response (Docket Entry No. 90). Also pending is Defendant's Motion For Leave To File A Reply (Docket Entry No. 94).

In a separate Memorandum and Order the Court denies Defendant's Motion to Dismiss Or, In The Alternative, Motion For Summary Judgment (Docket Entry No. 53) on the ground that genuine issues of material fact exist on the evidentiary record presented. The additional evidence Defendant seeks to provide to the Court through its supplementation would only confirm the existence of disputes of fact. Discovery is not yet completed and the dispositive motion deadline has not passed. Accordingly,

(1) Defendant Vertrue Incorporated's Motion For Leave To Supplement The Record On Its Pending Motion For Summary Judgment (Docket Entry No. 86) is hereby DENIED.

(2) Defendant's Motion For Leave To File A Reply (Docket Entry No 94) is hereby
DENIED.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE